

REMARKS

This is in response to the non-final Official Action currently outstanding with respect to the above-identified application.

Claims 1-25 are pending in this application. Claims 1-19 have been withdrawn from further consideration in view of Applicants' response to the Examiner's Restriction Requirement. By the foregoing Amendment, Claims 20, 22, 23 and 24 have been amended. New Claims 27-30 have been added, and no claims have been cancelled. Accordingly, upon the entry of the foregoing Amendment, Claims 20-30 will constitute the claims under active prosecution in this application.

A version of the claims as they will stand upon the entry of this amendment is set forth above as required by the Rules.

More specifically, it is noted that in the currently outstanding Official Action, the Examiner has:

1. Failed to acknowledged Applicants' claim for foreign priority or that the required certified copies of the priority document have been received by the United States Patent and Trademark Office.
2. Informed the Applicants that the drawings filed on 26 September 2000 in this application are deemed to be acceptable.

3. Provided Applicants with a copy of a Notice of References Cited (Form PTO-892) and copies of the references cited therein.
4. Acknowledged Applicant's Information Disclosure Statements as filed with this application, but failed to acknowledge Applicants' subsequent correction of that Information Disclosure Statement on 6 February 2001 or subsequent Information Disclosure Statements of 17 December 2003 and 10 March 2004, by providing Applicants with a copy of the Form PTO-1449 that accompanied those Statements duly signed, dated and initialed by the Examiner to confirm his consideration of the art disclosed therein.
5. Confirmed Applicants' election of Claims 20-26.
6. Requested Applicants to check the specification for minor errors and to correct such minor errors as may be found.
7. Rejected Claims 20-26 under 35 USC 102(b) as being anticipated by Wilson (U.S. Patent No. 5,195,092).
8. Cited certain additional art as being pertinent to Applicants' specification, but failed to apply that art against any of the presently pending claims.

With respect to items 1 above, Applicants respectfully request that the Examiner (i) acknowledge their claim for foreign priority, and (ii) acknowledge the receipt by the United States Patent and Trademark Office of an appropriate certified copy of the priority document. It is understood that this acknowledgement and confirmation technically already have been accomplished in the current record by the Notice of Acceptance of Application Under 35 USC 371 and 37 CFR 1.494 or 1.495 dated 20 October 2000. Nevertheless, for the sake of good order, it is respectfully requested that the Examiner reconfirm the previous actions of the Application Branch of the United States Patent and Trademark Office in this regard.

With respect to items 2, 3, 5 and 8 above, Applicants believe that further comment in these Remarks is not necessary.

With respect to item 4, Applicants respectfully note that they have not received any confirmation of the Examiner's consideration of the correction of their original Information Disclosure Statement as filed with this application, nor have they received any acknowledgement of their subsequently filed additional Information Disclosure Statements in this application. Appropriate acknowledgment of these documents and the Examiner's consideration of the art enclosed therewith in response to this communication are respectfully requested.

With respect to item 6, Applicants have reviewed the present specification and have found no minor errors therein. Applicants, however, in several instances have taken this opportunity to clarify the English language phraseology of the original specification. In the event that any errors of the type referred to by the Examiner are noted in the future, they will be appropriately corrected.

Finally, with respect to item 7, the Examiner's substantive rejections of elected Claims 20-26 are based upon an alleged anticipation of those claims under the terms of 35 USC 102(b) by the Wilson reference (US Patent No. 5,195,092). In this regard, the Examiner suggests that (i) the wording of the preamble of Claim 20 is found in the Abstract of the Wilson reference; (ii) the first determining apparatus is found at least at Column 7, lines 1-31 of the Wilson reference; and (iii) the control apparatus is found at least at Fig. 2 and Claim 13 of the Wilson reference. The Examiner also alleges that Claim 22 is anticipated on the basis of Wilson's Fig. 2 on the basis of his belief that the data of the cited reference is displayed on a television set. Further, the Examiner indicates a belief that urging a user to enter reproducing apparatus ID information when the reproducing apparatus ID information has been determined not to match the apparatus specifying ID information embedded in the input data is disclosed by Wilson at least at Column 2, lines 34-58. Still further, the Examiner contends that the concepts (i) of comparing the user entered reproducing apparatus ID information with the ID information embedded in the input data and (ii) of permitting the user to update the reproducing apparatus ID information according to his input ID information when his input allows reproduction of the input information are shown respectively at Column 7, lines 1-31, and at Column 21, lines 5-42 of the reference.

Applicants have found the Examiner's rejections to be somewhat confusing. This is because the present invention contemplates that the data to be reproduced is to be individually selected by the user at the time of use of the apparatus, and that the reproduction of that data is to be limited to a uniquely designated reproduction apparatus. Accordingly, in the present invention, the user specifically selects data from various sources, "marks" that data with his own "ID" corresponding to the "ID" of the particular reproduction apparatus he wishes to use to reproduce that "marked" data, and reproduces the so "marked" data provided that reproduction is not precluded by the "control apparatus" (for example, because of overriding copyright or other proprietary considerations also reflected in "ID" information embedded in the information marked for reproduction).

On the other hand, the goal of the Wilson reference is to establish distinctive communication between a user and a central server utilizing both telephonic and CATV apparatus. Accordingly, the user enters a unique identification code via telephone which code is used by a central server (i) to determine what information **the source server** desires to supply to the identified user, and (ii) to uniquely identify the user **for the purpose of limiting future interaction with the source server to the uniquely identified user during any particular session initiated by that user.** Then, the information that the source server desires to provide to the identified user is provided with embedded ID information matching the ID information of the user's receiving and displaying apparatus at the source server and is sent out on a defined channel. It is to be noted in the latter regard that Wilson specifically contemplates that **multiple users may reproduce the information output by the source server on the defined channel, but only the identified user may interact with the source server during any given session** (see Wilson at Column 40). Accordingly, Wilson does not contemplate that each reproduction apparatus is to have **unique** ID information as required by the presently pending claims of this application as clarified by the foregoing Amendment.

Thereafter, in Wilson at least one presentation player intercepts (locks onto the channel carrying) the information containing the embedded ID information matching the ID information of the identified user's (permissibly among other) display (reproduction apparatus), converts that information into a form suitable for display on the user's (and permissibly other) display apparatus and forwards the same to the user's (and permissibly other's) display.

Accordingly, it will be understood that, contrary to the present invention, in Wilson ***the information supplied to the user is pre-selected or determined by another*** based upon a customer profile or otherwise for the benefit of the other, and also ***is permissibly available to other users*** who are not permitted to interact with the source server based upon the information it supplies during the identified user's session. Moreover, such information as is sent to the user and intercepted by the presentation player associated with the user's (and permissibly other's) reproduction apparatus will be reproduced upon being routed to the user (and permissibly others) without further intervention by a control apparatus. This is to say the source of the information encodes and sends to the user (and permissibly to others) only information that it desires the identified user to display. Hence, there is no need for the presently claimed control means designed to prevent reproduction of the transmitted information by a ***uniquely identified*** reproduction apparatus.

In addition, Applicants have been able to find nothing in Wilson's Claim 13 that appears to anticipate the control apparatus of Claim 20 as the Examiner suggests.

Still further, the section of the Wilson reference referred to by the Examiner as an indication that the user may be urged to enter reproducing apparatus ID information in the case when there is no match between the input information embedded ID information and the reproduction apparatus ID information in the first instance does not support his position. At Column 2, lines 34-58, of the Wilson reference a situation is described in which in response to various visual and/or audio cues ***supplied to the user by the source***, the user may provide various inputs that allow him to move from location to location within the site and/or to make purchases (note: the word "site" is used here because Wilson appears to be directed to a TV shopping concept wherein the user can browse through one or several "stores" in response to various inputs from a telephone keypad entered in response to various displayed options provided by the source server and displayed on the display device).

Accordingly, in the context described by Wilson relied on by the Examiner, the urging of the user to enter specific keystrokes is not made because the apparatus specifying ID information does not match the ID information embedded in the input information. Rather, user input is made ***at the discretion of the user from among options provided by the source according to how the user wishes to navigate the site,*** and that information is subsequently utilized to update the user's profile for future use in determining what information will be provided to the user by the central server as stated at Wilson, Column 21, lines 5-10.

Accordingly, the invention disclosed in the Wilson reference uniquely identifies the user for the purpose of limiting future interaction with the source server to the uniquely identified user during any particular session initiated by that user, but does not limit data reproduction only to that user. In contrast, the data reproducing apparatus of the present invention includes storage apparatus that stores unique identification information in order to uniquely identify it.

The present claims have been amended hereinabove to make this previously inherent point distinctly clear and explicit.

Furthermore, and aside from the important issue of whether or not the presentation player of the Wilson reference constitutes part of a "reproducing apparatus" as claimed at all (a distinction not recognized by the Examiner), in the present invention information containing embedded ID information both matching and not matching the reproduction apparatus ID is received by the reproduction apparatus. Thereafter, the determination apparatus makes a determination of whether or not the received information contains embedded ID information that matches the ***unique*** ID information of the reproduction apparatus, and based upon the output of the determination apparatus, the control apparatus controls whether or not the received information is displayed ***based upon the control apparatus' wn criteria.***

Consequently, Applicants respectfully submit that none of the cited references discloses, or even remotely suggests, the features of the present invention set forth in new claims 27 and 28. A decision so holding and allowing new claims 27 and 28 in response to this communication, therefore, is respectfully requested.

In summary, the Wilson reference discloses a presentation player that locks onto the channel selected by the source server to carry pre-selected information determined by someone other than the user to the user in response to the user's telephonic request, the subject information having embedded ID information that ensures the connection of the source server and at least the reproduction apparatus of the identified user via the selected channel matching the ID information of the presentation player. Accordingly, in Wilson, **all** of the information flowing through the selected channel is defined from the outset to be the only information that will be received by the associated players/displays (that will display it in turn ***without further control***). In other words, in Wilson, the reproduction apparatus and the source server are connected by a defined channel such that there is no need to control whether or not the pre-selected received information can be displayed. In fact, Wilson is not concerned with whether or not only a uniquely designated reproduction apparatus can display the information output from the source server at all. ***Rather, Wilson is concerned with whether or not the user's telephone inputs are appropriately and uniquely linked to the source server's outputs, a totally different concept than that of the presently claimed invention.***

In view of the foregoing Amendment and Remarks, reconsideration of this application and the allowance of Claims 20-30 in response to this communication are respectfully requested.

Finally, Applicants believe that additional fees are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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